

From: [Jose Cisneros](#)
To: [MAUPIN, NATALIE](#)
Cc: [Ellens, Newton](#); [Bye, Julie](#); [McNeil, Tammie](#); [Ream, Nicholas](#); [Kenneth Myers](#); [Jose Cisneros](#)
Subject: East Chicago Sanitary District - Response to IDEM's Pretreatment Audit Findings - Follow-Up Communiqué
Date: Wednesday, November 24, 2021 2:52:28 PM
Attachments: [ATT00001.txt](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[ECSD Compliance Schedule Monthly Status Update 112421.pdf](#)
[ECSD Email Communiqué To Permittees Of Revised Permit 112421.pdf](#)
[Linde 531 Renewed Permit As Issued 111921.pdf](#)
[ECSD Inspection Completion Report 2021.pdf](#)

Hello Natalie:

As the colder temperatures brings forth icy road conditions, wishing you and all cc'd safe travels during your Thanksgiving travels and this Holiday season.

Also and as a follow-up to last month's communiqué, please be advised that the District continues to remain highly focused upon timely bringing all non-conformances into full compliance. Relative to this pursuit, please note that I have attached four documents which will serve to demonstrate the following:

1. East Chicago Sanitary District Compliance Schedule - Monthly Status Update:
 - a. This report demonstrates the number of non-conformances brought into compliance
 - i. In summary, the District has brought 25 or 58% of the 43 listed non-conformances into full compliance
 1. 21 or 49% of the listed non-conformances were brought into compliance ahead of schedule
 2. The District is requiring additional time to bring 21.0 into full compliance
 - ii. The District is also in reception of IDEM's 11/15 response to the District's request for added clarification relative to Control Mechanism: Self-Monitoring (CROMMER)
 1. The District has further noted IDEM's request for USEPA to opine
 - iii. The District remains further attentive to soon receiving IDEM's added clarification relative to citations 5.1, 5.3(a), 14.0, 15.0 and 16.0
2. ECSD Email Communiqué to Permittees of Revised Permit:
 - a. This document demonstrates the District's efforts to communicate
 - i. IDEM's recent audit of the District's PT program and
 - ii. the requirement to modify and revise existing permits in order to achieve full compliance
 - b. Relative to achieving full compliance, the District has contacted all Permittees and communicated the need to modify their current permit
 - c. When issuing the modified permit, the corresponding email communiqué will further apprise all Permittees of those modifications which are either captured as an inclusion within the physical permit (i.e., Significant Change Notification 3.2, etc.) or which are further considered business practice related adjustments (i.e., Report Certification 25.c, etc.) in order to achieve full compliance
 - i. Serving as clarification, certain Permittees (i.e., Outfall 531, 112, 514, etc.) were also seeking permit renewal and as such, the corresponding email communiqué will vary in order to address this circumstance
3. Linde 531 Renewed Permit As Issued 11/19/21:
 - a. This document represents the efforts undertaken by the District to bring the permit format into compliance
 - b. As due to the audit and as the District fully reviewed every aspect of the existing permit, various inconsistencies were found within the existing document and as such, the District decided to revamp the permit format
 - c. Also and as due to Permittee type related variances (i.e., Effluent Limitations), the District decided to slightly modify the revamped permit as due to Categorical (i.e., Safety Kleen, etc.) versus Non-Categorical (i.e., Linde) related variances.
 - d. As demonstrated within Linde's revised permit and as consistent with the District's efforts to demonstrate full compliance, all reissued permits will include the following compliance related requirements:
 - i. 3.1: Slug Plan Inclusion
 - ii. 3.2: Significant Change Notification
 - iii. 3.4: Phenol Sample Collection
 - iv. 3.5: No Local Limit for Silver
 - v. 3.6: COD Duplication
 - vi. 3.7: TTO Methodology Typo
 - vii. 3.8: Sample Type Error

- viii. 3.9: Usage of Certain Symbols
- ix. 5.2(b): SIU & CIU Slug Discharge Control Plan
- x. 5.3(b): Self-Monitoring Report frequency
- xi. 8.0: Statement of Non-Transferability
- xii. 11.0: Monitoring Waiver Provision
- xiii. 12.0: Nebulous Symbolism
- xiv. 13.0: Sampling Requirements
- xv. 18.0: Significant Change Notification
- xvi. 19.0: Slug Discharge Plan
- xvii. 25.a: Lack of Self-Monitoring Reports
- xviii. 25.b: Phenol Sample Collection
- xix. 25.c: Report Certification
- xx. 25.d: Notification of Discharge Violation

4. ECSD Inspection Completion Report

- a. This report demonstrates the District's completion of Inspection Meeting during Year 2021
 - i. Please Note: The District does not consider Inspection Monitoring (5.0), SIU Compliance Inspections (5.2(a)), No Inspection Report (20.0(a)) and Sample Collection Location (20.0(b)) as permit related compliance requirements

Happy Holidays

Jose Cisneros

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From: Jose Cisneros

Sent: Friday, October 01, 2021 3:04 PM

To: 'MAUPIN, NATALIE'

Cc: Ellens, Newton (ellens.newton@epa.gov); Bye, Julie; McNeil, Tammie; Ream, Nicholas; Kenneth Myers; Jose Cisneros

Subject: FW: East Chicago Sanitary District - Response to IDEM's Pretreatment Audit Findings

Dear Natalie:

Greetings and hoping all remains well with you, Newton and your colleagues as cc'd.

Also and per your request, please be advised that the purpose of this follow-up communiqué is to provide you with an update relative to the District's efforts to demonstrate full conformance against the 42 non-conformances.

As listed within the succeeding table, the District scheduled the correction of three non-conformances by 9/30/21. In this regard, please note that citations 2.0 and 4.0(b) have been timely completed and as the confirming documentation has been previously forwarded to your attention, requesting that you please advise if any additional documentation is required.

Relative to citation 21.0 and as this specific conformance requirement pertains to Safety Kleen, please be advised that I spoke to Ken Myers regarding this finding (non-issuance of NOV as due to exceedances found via Self-Monitoring) who suggested that the District and Safety Kleen remain within litigation, as this permittee continues to challenge the District's available cyanide Local Limit. To the extent that the Litigants can soon realize an amicable remedy, please be further advised that the District will then move to address all past due and/or unaccounted for notices of violation. Furthermore, the District will also move to impose internal controls within the District to ensure self-monitoring related violations from this or any other similar permittee are timely issued a notice of violation. In closing, please also note that the District will keep you timely apprised on a monthly basis of progress made and during the interim, I welcome any relevant thoughts or comments that you or your colleagues may have.

Listing of Non-Conformances			Compliance Timeline				
Ct.	Description of Non-Conformance	Citation No.	By 09/30	By 10/31	By 11/30	By 12/31	Earlier? Later? Other? Relevant Comment
District's Assessment of the Various Non-Compliances & Preparation of Written Plan of Action.			Immediately initiated, thoroughly analyzed and completed by 9/13/21				
02	IU Characterization	2.0					Compliance Achieved
Control Mechanisms (CM)			per Natalie Maupin, Pretreatment Compliance Coordinator, IDEM				
13	APSR – TTO Monitoring	4.0(b)					In Compliance
Control Authority Compliance Monitoring (CACM)			per Newton Ellens, Pretreatment Program Manager, USEPA				
36	CACM – Non-Issuance of NOV	21.0					Immediate Action Initiated

Non-Conformance: 2	IU Characterization
<p>Issue: Linde Rare Gases and Helium (LRGH) is characterized as an SIU but only discharges non-contact water and averages less than 25,000 GPD.</p> <p>Summary Description of Non-Conformance: Linde Inc. – Rare Gases and Helium (Linde) is currently regulated by ECSD as an SIU. However, based on the review of Linde's inspection reports and permit application, the IU only discharges non-contact cooling water to the District, and it usually averages less than 25,000 GPD. Therefore, based on these findings, the District may want to re-evaluate Linde's status as an SIU and potentially consider permitting them as a non-categorical nonsignificant IU.</p> <p>Regulatory Citation: <i>Pursuant to 40 CFR 403.3(t) Significant Industrial User; (1) Except as provided in paragraph (t)(2) of this section, the term Significant Industrial User means: (i) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and (ii) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)). (2) Upon finding that an industrial user meeting the criteria in paragraph (t)(1)(ii) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 103.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.</i></p> <p>District's Conformance Initiative(s): As consistent with 40 CFR 403.3(t) and as the LRGH's permit was subject to renewal, the District re-evaluated LRGH's wastewater discharge practices (i.e., types, flows, volumes) and decided to re-classify LRGH as a non-significant industrial user.</p> <p>Status of Non-Conformance: Conformance was achieved on 8/2/21</p> <p>-</p> <p>Supporting Documentation: 2.0_LRGH_Water_Type_and Discharge_Supporting_Documentation 2.0_Linde_Rare_Gases_Permit_Renewal</p>	

4.0 (b)	Application of Pretreatment Standards and Requirements: TTO Monitoring
<p>Issue: 40 CFR 433 requires Categorical IUs to monitor for all TTOs listed within 40 CFR 433.11.</p> <p>Summary Description of Non-Conformance: A footnote below the District and Permittee Monitoring tables in Electric Coating's permit states</p>	

the only TTOs required to be monitored are methylene chloride, chloroform and naphthalene. The District could not produce a lab analysis report of a full TTO scan or other documentation that only these three TTO pollutants are expected to be present.

Regulatory Citation:

§433.11 *Specialized definitions. The definitions set forth in 40 CFR part 401 and the chemical analysis methods set forth in 40 CFR part 136 are both incorporated here by reference. In addition, the following definitions apply to this part:*

(a) The term “T”, as in “Cyanide, T”, shall mean total.

(b) The term “A”, as in “Cyanide A”, shall mean amenable to alkaline chlorination.

(c) The term “job shop” shall mean a facility which owns not more than 50% (annual area basis) of the materials undergoing metal finishing.

(d) The term “independent” printed circuit board manufacturer shall mean a facility which manufacturers printed circuit boards principally for sale to other companies.

(e) The term “TTO” shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics:

Acenaphthene, Acrolein, Acrylonitrile, Benzene, Benzidine, Carbon tetrachloride (tetrachloromethane), Chlorobenzene, 1,2,4-Trichlorobenzene, Hexachlorobenzene, 1,2-Dichloroethane, 1,1,1-Trichloroethane, Hexachloroethane, 1,1-Dichloroethane, 1,1,2-Trichloroethane, 1,1,2,2-Tetrachloroethane, Chloroethane, Bis (2-chloroethyl) ether, 2-Chloroethyl vinyl ether (mixed), 2-Chloronaphthalene, 2,4,6-Trichlorophenol, Parachlorometa cresol, Chloroform (trichloromethane), 2-Chlorophenol, 1,2-Dichlorobenzene, 1,3-Dichlorobenzene, 1,4-Dichlorobenzene, 3,3-Dichlorobenzidine, 1,1-Dichloroethylene, 1,2-Trans-dichloroethylene, 2,4-Dichlorophenol, 1,2-Dichloropropane, 1,3-Dichloropropylene (1,3-dichloropropene), 2,4-Dimethylpheno, 2,4-Dinitrotoluene, 2,6-Dinitrotoluene, 1,2-Diphenylhydrazine, Ethylbenzene, Fluoranthene, 4-Chlorophenyl phenyl ether, 4-Bromophenyl phenyl ether, Bis (2-chloroisopropyl) ether, Bis (2-chloroethoxy) methane, Methylene chloride (dichloromethane), Methyl chloride (chloromethane), Methyl bromide (bromomethane), Bromoform (tribromomethane), Dichlorobromomethane, Chlorodibromomethane, Hexachlorobutadiene, Hexachlorocyclopentadiene, Isophorone, Naphthalene, Nitrobenzene, 2-Nitrophenol, 4-Nitrophenol, 2,4-Dinitrophenol, 4,6-Dinitro-o-cresol, N-nitrosodimethylamine, N-nitrosodiphenylamine, N-nitrosodi-n-propylamine, Pentachlorophenol, Phenol, Bis (2-ethylhexyl) phthalate, Butyl benzyl phthalate, Di-n-butyl phthalate, Di-n-octyl phthalate, Diethyl phthalate, Dimethyl phthalate, 1,2-Benzanthracene, (benzo(a)anthracene), Benzo(a)pyrene (3,4-benzopyrene), 3,4-Benzofluoranthene (benzo(b)fluoranthene), 11,12-Benzofluoranthene (benzo(k)fluoranthene), Chrysene, Acenaphthylene, Anthracene, 1,12-Benzoperylene (benzo(ghi)perylene), Fluorene, Phenanthrene, 1,2,5,6-Dibenzanthracene (dibenzo(a,h)anthracene), Indeno(1,2,3-cd) pyrene (2,3-o-phenylene pyrene), Pyrene, Tetrachloroethylene, Toluene, Trichloroethylene, Vinyl chloride (chloroethylene), Aldrin, Dieldrin, Chlordane (technical mixture and metabolites), 4,4-DDT, 4,4-DDE (p,p-DDX), 4,4-DDD (p,p-TDE), Alpha-endosulfan, Beta-endosulfan, Endosulfan sulfate, Endrin, Endrin aldehyde, Heptachlor, Heptachlor epoxide, (BHC-hexachloro-cyclohexane), Alpha-BHC, Beta-BHC, Gamma-BHC, Delta-BHC, (PCB-polychlorinated biphenyls), PCB-1242 (Arochlor 1242), PCB-1254 (Arochlor 1254), PCB-1221 (Arochlor 1221), PCB-1232 (Arochlor 1232), PCB-1248 (Arochlor 1248), PCB-1260 (Arochlor 1260), PCB-1016 (Arochlor 1016), Toxaphene, 2,3,7,8-Tetrachlorodibenzo-p-dioxin (TCDD)

Non-Conformance Related Rebuttal: As noted within the supporting document, the District clearly addresses 1) the National Categorical Pretreatment Standards as established by 40 CFR 433 Metal Finishing point source category, as this Effluent Limitation is clearly identified within Electric Coating’s permit, 2) the footnote as labeled [2] makes specific reference to chloride, chloroform and naphthalene and the summation of these parameters within the Categorical Limitations as the District further suggests relative to the listed categorical limitations that 3) this specific list of contaminants shall not relieve the permittee of its responsibility to comply with all other specific pollutants as listed in the Ordinance 13.13.3.02.3. The District requires complete compliance with the Sewer User Ordinance and compliance will all local limitations.

In addition and in response to the District’s inability to produce a lab analysis report of the full TTO scan as requested by IDEM during the audit, please be advised that the District does in fact conduct and can further demonstrate a lab analysis (see listing of supporting documents) of the TTOs which are footnoted to the Categorical Limitations table. Furthermore and according to 40 CFR 433.11(e), the term “TTO” shall mean total toxic organics, which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxic organics (as listed above). As the District interprets 40 CFR 433.11(e), the operative phrasing is “which is the summation of all quantifiable values greater than .01 milligrams per liter for the following toxics...” the District has determined that the relevant addends are methylene chloride, chloroform and naphthalene.

District’s Conformance Initiative: As consistent with the applicable regulation and unless otherwise directed by IDEM, the District considers current TTO monitoring practices to be in conformance.

Supporting Documentation:

4.0(b)_TTO_Monitoring

4.0(b)_TTO_Monitoring_Lab_Report

21.0

Control Authority Compliance Monitoring: Non-Issuance of Notice of Violation

Issue: ECSD did not issue Notices of Violation to Safety Kleen for exceedances found through self-monitoring.

Summary Description of Non-Conformance: Below is a list of self-reported exceedances:

Report Date	Sample Date	Pollutant Parameter	Pretreatment Limit (mg/L)	Analytical Result (mg/L)
06/17/20	05/29/20	Available cyanide	0.019	0.330
06/12/20	06/10/20	Available cyanide	0.019	0.810
06/09/20	05/29/20	Available cyanide	0.019	0.330

Regulatory Citation: 40 CFR §403.8(f)(5), Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the compliance date beyond applicable federal deadlines;

Achievement of Continued Conformance: The District regrettably neglected to review the permittee's self-monitoring reports during the period of investigation and subsequently issue as applicable, the required notice(s) of violation. Furthermore and as previously suggested within the District's response to 5.2(a), the recent hiring of the new Pre-Treatment Coordinator, whose demonstrated drive to re-establish a renewed and continued vigor towards achieving full conformance to the various Pretreatment compliance requirements, which further includes timely reviewing self-monitoring reports as submitted by this and any other categorical permittee has become his mandate.

District's Conformance Initiative: Effective immediately and by no later than 10/31/21, the District has initiated action to timely review and as deem applicable, initiate action to issue the notice of violation for any self-monitored and reported exceedances.

Kind Regards,

Jose Cisneros

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From: Jose Cisneros

Sent: Friday, September 17, 2021 1:44 PM

To: 'MAUPIN, NATALIE'

Cc: Ellens, Newton (ellens.newton@epa.gov); Bye, Julie; McNeil, Tammie; Ream, Nicholas; Kenneth Myers; Jose Cisneros

Subject: RE: East Chicago Sanitary District Pretreatment Audit Findings

Dear Natalie:

As attached, please find the East Chicago Sanitation District (IN0022829) response to IDEM's and USEPA's findings as associated to the recent audit of the District's Pretreatment operation. Please also note as due to email transmission related constraints that I will be sending additional emails which will include all supporting documentation. In closing, thank you once again for your special consideration of the District's submission extension request and as I will remain attentive to timely responding to any relevant inquiries that you and/or your colleagues may have, please also note as detailed within the Compliance Schedule that I will keep you timely updated relative to the District's conformance to the various compliance requirements.

Respectfully Yours,

Jose Cisneros

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From: MAUPIN, NATALIE [mailto:NMAUPIN@idem.IN.gov]

Sent: Tuesday, July 20, 2021 9:18 AM

To: Jose Cisneros

Cc: Kenneth Myers; Bye, Julie; McNeil, Tammie; Ream, Nicholas; Ellens, Newton (ellens.newton@epa.gov); acopeland@eastchicago.com

Subject: RE: East Chicago Sanitary District Pretreatment Audit Findings

Jose,

Your request for an additional 30 days to respond to the inspection summary/violation is approved. I will expect your response by no later than Monday, September 13, 2021.

Thank you,
Natalie

From: Jose Cisneros <jcisneros@eastchicago.com>

Sent: Tuesday, July 20, 2021 10:10 AM

To: MAUPIN, NATALIE <NMAUPIN@idem.IN.gov>

Cc: Kenneth Myers <kmyers@eastchicago.com>; Bye, Julie <JBYE@idem.IN.gov>; McNeil, Tammie <tmcneil@idem.IN.gov>; Ream, Nicholas <NREAM@idem.IN.gov>; Ellens, Newton (ellens.newton@epa.gov) <ellens.newton@epa.gov>; acopeland@eastchicago.com

Subject: RE: East Chicago Sanitary District Pretreatment Audit Findings

**** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ****

Dear Natalie:

Good Morning to You.

Thank you again for timely returning my call and per our conversation, I respectfully submit for your special consideration, the District's request for an additional 30 days or a total of 60 calendar days to fully assess and respond to the Inspection Summary/Violation Letter. The additional time will serve to further enable the District to more comprehensively assess and implement a course of action which will address the various non-conformances as listed within the Inspection Summary/Violation Letter (hereafter, "Letter"). Furthermore and within 30 calendar days from the date of the Letter, the District will provide a detailed explanation which further documents a timeline relative to bringing into conformance, the various non-compliances as listed within Attachments I and II. Thank you again for your special consideration of the District's request for a time extension and should you require additional clarification, please be advised that I remain attentive to receiving the same.

Respectfully Yours,

Jose Cisneros

Pretreatment Coordinator

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From: MAUPIN, NATALIE [<mailto:NMAUPIN@idem.IN.gov>]

Sent: Tuesday, July 13, 2021 2:32 PM

To: Kenneth Myers

Cc: Bye, Julie; McNeil, Tammie; Ream, Nicholas; Ellens, Newton (ellens.newton@epa.gov); Jose Cisneros; acopeland@eastchicago.com

Subject: East Chicago Sanitary District Pretreatment Audit Findings

The attached document includes the findings of a recent pretreatment program audit conducted by IDEM and U.S. EPA staff. Please be sure these documents are reviewed by the appropriate individuals. If the letter requires a response, we encourage you to respond via email by sending your response to nmaupin@idem.in.gov. Thank you.

Gary Starks, Chief
Compliance Data Section

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